

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

CITGO PETROLEUM CORP.,

Plaintiff

v.

PETROLEUM LOGISTICS SERVICE
CORP., and JOSE MANUEL GONZALEZ
TESTINO,

Defendants.

Civil Case No. 4:20-cv-01820

Jury Trial Demanded

PLAINTIFF'S STATUS REPORT AS TO THIRD-PARTY DISCOVERY

On October 13, 2021, the Court granted Plaintiff CITGO Petroleum Corporation ("CITGO") leave to seek third-party discovery from nine individuals and entities, ECF No. 36, as requested in CITGO's earlier Motion for Leave to Conduct Third-Party Discovery, ECF No. 33. As part of this ruling, the Court requested that CITGO provide an update to the Court on the progress of this discovery within 60 days of the Court's order. ECF No. 36. Plaintiff thus submits this status report to advise the Court on the current state of third-party discovery.

I. Background

The Court granted CITGO leave to seek depositions and document production from Laymar Pena Torrealba ("Ms. Pena"), Ruben Dario Gonzalez Castillo ("Mr. Gonzalez Castillo"), and Petroleum Logistics Service USA, Inc. ("PLS USA"). ECF No. 33; ECF No. 36. The Court additionally granted CITGO leave to seek document production from Bank of America, Alfonso Eliezer Gravina Munoz ("Mr. Gravina Munoz"), Javier Aurrecoechea ("Mr. Aurrecoechea"),

Sergio Omana (“Mr. Omana”), Gonzalo Jose Jorge Morales Divo (“Mr. Morales Divo”), and an entity referred to alternatively as DAC Global Logistics or Double Ace Cargo Inc. (“DAC”). *Id.*

II. Status of Third-Party Discovery

To date, CITGO has successfully served subpoenas on all but two of the third parties from which it sought permission to seek discovery. CITGO is in contact with Ms. Pena’s counsel regarding perfecting service on Ms. Pena, and CITGO is still attempting to perfect service on Mr. Morales Divo as detailed below.

A. Parties for Which A Deposition and Production of Documents Is Sought

CITGO and counsel for Mr. Gonzalez Castillo have agreed upon a deposition date of January 26, 2022, and continue to confer regarding the timing and scope of document production. CITGO continues to confer with counsel for PLS USA and counsel for Ms. Pena regarding the scheduling of their depositions and the timing/scope of document production.

B. Parties for Which Production of Documents Is Sought

CITGO continues to confer with counsel for Bank of America and counsel for Mr. Omana and Mr. Aurrecoechea regarding the timing and scope of document production. CITGO was also recently contacted by counsel for Mr. Morales Divo, and we will confer with him regarding the subpoena.

Mr. Gravina Munoz and DAC have failed to serve objections to the subpoenas within the allotted 14 calendar days as provided by Federal Rule of Civil Procedure 45(d)(2)(B). Similarly, both have failed to produce documents on or prior to the respective dates of compliance in the subpoenas, and CITGO has not otherwise had contact with either party concerning the requests. CITGO is thus planning to file motions to compel compliance with the subpoenas in the Western District of Texas and Southern District of Florida, where Mr. Gravina Munoz and DAC are respectively located.

III. Proposed Next Steps

Subject to approval from the Court, CITGO proposes a schedule wherein it will file an additional status report within 60 days detailing CITGO's progress in pursuing this discovery.¹

Dated: December 13, 2021

Respectfully submitted,

/s/ Jennifer Hardy

Jennifer Hardy

Attorney-in-Charge

Texas Bar No. 24096068

Southern District of Texas Bar No. 2828253

Willkie Farr & Gallagher LLP

600 Travis Street

Houston, TX 77002

Tel: (713) 510-1766

Fax: (713) 510-1799

JHardy2@willkie.com

Michael Gottlieb

Robert Meyer

Nicholas Reddick

Andrew English

Andrew Bouriat

Willkie Farr & Gallagher LLP

1875 K Street, N.W.

Washington, D.C. 20006

Tel: (202) 303-1000

Fax: (202) 303-2000

Attorneys for Plaintiff CITGO Petroleum Corporation

¹ Depending on the information learned during discovery, it is possible we will ask the Court for permission to subpoena a few additional individuals, potentially including Jose Luis De Jongh Atencio, Tulio Anibal Farias Perez, and Johana Haddad, who were mentioned in CITGO's Motion for Leave to Conduct Third-Party Discovery, ECF No. 33, among others.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document will be served on Defendant Jose Manuel Gonzalez Testino (“Testino”) via certified mail and on Defendant Petroleum Logistics Service Corp. (“PLS”) via United States Postal Service Priority Mail Express International at the following addresses:

Jose Manuel Gonzalez Testino
200 Biscayne Boulevard Way, Unit 3903
Miami, Florida 33131

Jaymy Dominguez
President, Petroleum Logistics Service Corp.
PH Riverside
Piso 23, Apto. 23A, Calle 5ta
Parque Lefevre y via Espana
Parque Lefevre, Panama

Petroleum Logistics Service Corp.
Trump Office Tower
2nd Floor, Office 2-06
Punta Pacifica, Panama City

Dated: December 13, 2021

By: /s/ Jennifer Hardy

Jennifer Hardy
Attorney-in-Charge
Texas Bar No. 24096068
Southern District of Texas Bar No. 2828253

Willkie Farr & Gallagher LLP
600 Travis Street
Houston, TX 77002
Tel: (713) 510-1766
Fax: (713) 510-1799
JHardy2@willkie.com

Attorney for Plaintiff CITGO Petroleum Corporation